



## Administrative Policies and Procedures: 16.36

<b>Subject:</b>	<b>Title IV-E Foster Care Funds</b>
<b>Authority:</b>	TCA 37-1-166, 37-5-106, 45 C.F.R 1356.21 (b); 1356.21 (c)
<b>Standards:</b>	DCS 2-500, 6-500 A, 9-102, 12-100

### Policy Statement:

The Department of Children's Services (DCS) shall seek to maximize Title IV-E foster care reimbursement funds by determining initial eligibility of IV-E funds for all children entering state custody and by completing redeterminations of continuing eligibility every six months for all Title IV-E foster care children. DCS shall also ensure that all children eligible for IV-E reimbursement maintain their eligibility until they are released from care.

### Purpose:

In order to meet the financial obligations of the children/youth in its care the Department of Children's Services (DCS) depends on funding from Title IV-E Foster Care Reimbursement. Compliance with this policy ensures maximum resource availability for children in DCS custody.

### Procedures:

<b>A. Court Hearing, Judicial Determinations, and Court Orders</b>	<ol style="list-style-type: none"><li>1. When children enter state custody, the committing court must have found at least the following conditions:<ol style="list-style-type: none"><li>a) A child remaining in their home is contrary to the child's welfare or removal is in the child's best interest; <u>and</u></li><li>b) A determination that reasonable efforts have been made to prevent a child's removal or were not required.</li></ol></li><li>2. The judicial determination of contrary to the welfare <u>must</u> be documented in the first court order regarding the child's physical removal or <b>constructive removal</b> from the home.</li><li>3. The judicial determination of reasonable efforts should also be documented in the first court order regarding the child's physical removal or constructive removal from the home.</li><li>4. In cases in which DCS has filed a petition or DCS is allowed to be heard, DCS attorneys shall secure the required judicial determination of contrary to the welfare and reasonable efforts at the first court hearing regarding the child's</li></ol>
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	<p>physical or constructive removal from the home.</p> <p>5. If the reasonable efforts determination is not in the first court order, DCS attorneys shall set a further hearing in order to present evidence to obtain the finding of reasonable efforts from the court within sixty (60) days of a child's removal from their home.</p> <p>6. A foster child is ineligible for Title IV-E funding if a judicial determination of contrary to the child's welfare or removal is in the child's best interest <u>and</u> a reasonable efforts determination is not obtained within these specified time frames.</p>
<b>B. Initiation of Application for Benefits</b>	<p>1. The <b>Family Services Worker (FSW)</b> shall complete form <b>CS-0475, Child Welfare Benefits Application</b> for each child committed to DCS custody and placed in foster care.</p> <p>2. The FSW shall forward the completed and signed application and all available eligibility verifications to the regional <b>Child Welfare Benefits Counselor (CWBC)</b> within one full working day of the child entering DCS custody and removal from the home.</p>
<b>C. Completion of the Eligibility Determination Process for IV-E Foster Care Funds</b>	<p>The Child Welfare Benefits Counselor shall:</p> <p>1. Complete the eligibility determination process for Title IV-E foster care within 30 calendar days by assessing whether the child meets the program requirements;</p> <p>2. Certify the child as eligible and reimbursable for IV-E foster care if the child meets the following Title IV-E foster care program requirements:</p> <ul style="list-style-type: none"> <li>a) The July 16, 1996 AFDC program requirements;</li> <li>b) A contrary to the welfare judicial determination is documented in the first court order that sanctions the child's removal;</li> <li>c) A reasonable efforts judicial determination is documented in the removal court order or in a supplemental court order obtained no later than 60 days from the date of removal;</li> <li>d) DCS has legal responsibility for the child;</li> <li>e) The child is in financial need</li> </ul> <p>3. The CWBC must certify the child as ineligible for IV-E Foster Care Reimbursement if any of the aforementioned criteria is not met.</p> <p>4. The CWBC must enter the child's benefit status in the appropriate computer systems:</p> <ul style="list-style-type: none"> <li>a) Enter the child's IV-E foster care status into the ChiPFinS IV-E Eligibility History Screen.</li> </ul>

	<ul style="list-style-type: none"> <li>b) Enter the child into the DHS ACCENT computer system to authorize TennCare Medicaid benefits.</li> <li>c) Complete the TN KIDS Verification data tab if verification has been received to confirm the child's name, SSN, etc. Record all benefits that the child has been approved to receive on the TN KIDS Benefits Summary Screen.</li> </ul> <p>5. Complete form <b>CS-0508, Notice of Child Welfare Benefits Summary</b> and provide to the child's case manager.</p> <p>6. Set up a paper case record for each foster child that includes the application, copies of court orders and petitions, eligibility forms, verifications, etc.</p>
<b>D. Permanency Hearings, Court Orders, and Reasonable Efforts</b>	<ul style="list-style-type: none"> <li>1. An annual judicial determination of reasonable efforts to finalize the permanency plan must be obtained for each foster child as long as the child remains in foster care.</li> <li>2. The first annual judicial determination of reasonable efforts to finalize the permanency plan is due within twelve (12) months of the child's date of custody.</li> <li>3. Each subsequent annual reasonable efforts judicial determination is due within twelve (12) months of the date of the last hearing in which the judicial determination was made.</li> <li>4. A Title IV-E foster child's cost of care is non-reimbursable from Title IV-E foster care funds if a judicial determination of reasonable efforts to finalize the permanency plan is not obtained within these specified time frames.</li> <li>5. DCS attorneys shall request an annual permanency hearing and shall present proof as to the reasonable efforts made by the department to achieve permanency for the child. The attorney shall ask the court for a finding of reasonable efforts to finalize the permanency plan at the annual permanency hearing or other court hearing if the hearing addresses reasonable efforts made by the department to achieve permanency for the child.</li> <li>6. DCS attorneys shall forward a copy of the court order documenting reasonable efforts to finalize the permanency plan for each foster child to the regional CWBC and the FSW as soon as the court order is obtained.</li> <li>7. DCS attorneys shall continue efforts to obtain a court order documenting reasonable efforts to finalize the permanency plan due to a finding by the court that DCS has not made reasonable efforts. The DCS attorney shall set the case back on the docket as soon as program staff notify the DCS attorney that reasonable efforts have been made. After the court order documenting reasonable efforts to finalize the permanency plan is obtained, the attorney shall forward a copy of the court order to the CWBC and the child's FSW.</li> <li>8. An order determining reasonable efforts is not required once a custodial child has reached the age of eighteen.</li> </ul>

<b>E. Certification of Continued Reimbursability for IV-E Foster Care Funds</b>	<ol style="list-style-type: none"> <li>1. Child Welfare Benefits Counselors shall certify whether the IV-E foster care child continues to comply with federal IV-E foster care standards and continues to be reimbursable for IV-E foster care funds.</li> <li>2. Child Welfare Benefits Counselors shall certify that the child continues to be reimbursable for IV-E foster care after a court order with annual reasonable efforts judicial determination is obtained. The CWBC shall: <ol style="list-style-type: none"> <li>a) Update the child's paper IV-E foster care file to reflect that the court order with the required reasonable efforts judicial determination was received. The date of the judicial determination is the date of the hearing.</li> <li>b) File the copy of the new court order in the child's paper IV-E foster care file.</li> </ol> </li> <li>3. If notification is received that an annual finding of reasonable efforts is required and was <u>not</u> made at the annual permanency plan hearing or other court hearing within the specified time frames, the CWBC shall certify that the child is non-reimbursable for IV-E foster care funds. The child shall remain non-reimbursable for IV-E foster care funds for the duration of the child's stay in foster care until a court order with a reasonable efforts judicial determination is obtained. The CWBC shall: <ol style="list-style-type: none"> <li>a) Update the child's paper IV-E foster care file and the ChiPFinS Eligibility History Screen to reflect that the new court order with a reasonable efforts judicial determination has not been secured. If the court order with the reasonable efforts finding is not obtained, the child shall become non-reimbursable for IV-E foster care funds at the end of the 12<sup>th</sup> month following the date the child entered foster care <u>or</u> the end of the month the most recent court order to finalize a permanency plan was due.</li> <li>b) Reinstate the child for IV-E foster care funds if a subsequent court order with the required reasonable efforts finding is obtained at a later date and the child continues to meet the other reimbursable requirements. The child shall become reimbursable for IV-E foster care funds starting with the month of the hearing in which the annual judicial finding was made. The CWBC shall: <ul style="list-style-type: none"> <li>◆ Update the child's IV-E foster care case to reflect that a court order with the required reasonable efforts judicial finding has been secured,</li> <li>◆ File the copy of the court order in the child's IV-E foster care file, and</li> <li>◆ Update ChiPFinS to reflect that the child is again reimbursable for IV-E foster care funds.</li> </ul> </li> </ol> </li> </ol>
<b>F. Redetermination of Continuing Eligibility and Reimbursability</b>	<ol style="list-style-type: none"> <li>1. Family Service Workers shall complete form <b>CS-0477, Child Welfare Benefits Redetermination</b>, every six months for each Title IV-E foster care child.</li> <li>2. FSWs shall forward the completed and signed redetermination form, copies of all court orders received since the last redetermination, and other available</li> </ol>

	<p>verifications of the child's income and resources no later than the tenth calendar day of the redetermination month.</p>
<p><b>G. Completion of the Redetermination Process for Title IV-E Foster Care Funds</b></p>	<p>The Child Welfare Benefits Counselor shall:</p> <ol style="list-style-type: none"> <li>1. Receive the completed and signed redetermination form, copies of all court orders received since the last redetermination, and other available verifications from the case manager. Using existing interfaces, i.e., ACCENT, Clearinghouse, etc. to obtain missing information and verifications, if available.</li> <li>2. Complete the redetermination eligibility process no later than the last working day of the redetermination month.</li> <li>3. Complete form <b>CS-0486, Title IV-E Reimbursability Determination, Monthly Criteria</b>, to re-determine a child's continuing eligibility and reimbursability for Title IV-E foster care by documenting if the child continues to meet the following eligibility program requirements: <ol style="list-style-type: none"> <li>a) Legal responsibility for custody and placement;</li> <li>b) Age;</li> <li>c) Deprivation;</li> <li>d) Financial need (countable income and resources)</li> </ol> </li> <li>4. Designate the child as eligible and reimbursable in the ChiPFinS IV-E Eligibility System if the child continues to meet all of the Title IV-E foster care child program requirements.</li> <li>5. Designate the child as eligible, not reimbursable in the ChiPFinS IV-E Eligibility System if the child does not meet the deprivation and financial need eligibility requirements.</li> <li>6. Close the child's Title IV-E foster care case in the ChiPFinS IV-E Eligibility System if the child does not meet all eligibility requirements.</li> <li>7. Complete form <b>CS-0508, Notice of Child Welfare Benefits Summary</b>, and send to the child's case manager if the redetermination results in a change in benefits.</li> <li>8. File the redetermination form, copies of court orders, eligibility forms, and eligibility verifications in the child's paper IV-E case file.</li> </ol>
<p><b>H. Notification of Changes in Circumstances</b></p>	<ol style="list-style-type: none"> <li>1. The FSW shall inform CWBC of any change in circumstances for a child for whom child welfare benefits, e.g., Title IV-E foster care, TennCare, SSI, Social Security, etc., are being claimed.</li> <li>2. Within ten (10) days of the change, the child's case manager shall complete form <b>CS-0476, Notice of a Change in Circumstances</b>, and send the form to the CWBC.</li> </ol>

	<ol style="list-style-type: none"> <li>3. The CWBC shall review the form and determine if the change affects the child's welfare benefits.</li> <li>4. The CWBC shall update the child's benefit status in the appropriate computer system, e.g., ChiPFinS IV-E System, ACCENT, TNKids, etc. and complete form <b>CS-0508, Notice of Child Welfare Benefits Summary</b>, if the report change results in a change in the child's child welfare benefits.</li> </ol>
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<b>Forms:</b>	<a href="#"><u>CS-0475 - Child Welfare Benefits Application</u></a> <a href="#"><u>CS-0508 - Notice of Child Welfare Benefits Summary</u></a> <a href="#"><u>CS-0486 - Title IV-E Reimbursability Determination, Monthly Criteria</u></a> <a href="#"><u>CS-0477 - Child Welfare Benefits Redetermination</u></a> <a href="#"><u>CS-0476 - Notification of a Change in Circumstances</u></a>
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<b>Collateral Documents:</b>	<i>Petition</i> <i>Affidavit of Reasonable Efforts</i> <i>Court Orders</i>
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